

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DIVISION OF TENNESSEE  
WESTERN DIVISION**

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ANDREA J. MOSBY MEACHEM,

Plaintiff,

Docket No. \_\_\_\_\_

v.

MEMPHIS LIGHT, GAS AND WATER DIVISION,  
a division of the City of Memphis, Tennessee,

Defendant.

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**NOTICE OF REMOVAL**

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Comes now Memphis Light, Gas and Water Division, a division of the City of Memphis, Tennessee (hereinafter the “Division”), by and through its counsel of record, and pursuant to 28 U.S.C.A Sections 1441 and 1446(b) provides notice of its removal of the action styled as Andrea J. Mosby Meachem vs. Memphis Light, Gas and Water Division, Docket Number CT-005610-13 (originally filed by Plaintiff Andrea J. Mosby Meachem in the Circuit Court of the State Tennessee for the Thirtieth Judicial District at Memphis, Shelby County), to this United States District Court for the Western District of Tennessee, Western Division. The Division’s grounds for removal are as follows:

**PROCEDURAL BACKGROUND AND REQUIREMENTS FOR REMOVAL**

1. This action was commenced by the Plaintiff’s filing of a Complaint (the “Original Complaint”) in the Circuit Court of Shelby County, Tennessee on December 30, 2013.

2. The Division received a copy of the Original Complaint and accompanying summons (the “Summons”) when process was personally served upon the Division on January 13, 2014.

3. The Original Complaint included one cause of action under Tennessee State law and no others.

4. On February 4, 2014, Plaintiff filed her First Amended Complaint, containing the same Tennessee State law cause of action as in the Original Complaint, as well as an additional claim under the Americans with Disabilities Amendments Act of 2008, a federal statute. (Copies of the Original Complaint, Summons and First Amended Complaint are attached hereto as collective Exhibit “A”.)

5 The Plaintiff’s attorney emailed a copy of the Plaintiff’s soon-to-be-filed First Amended Complaint to the Division’s attorneys on February 4, 2014.

6 The February 4, 2014 service of the First Amended Complaint by the Division’s attorneys marked the date when the Division could first ascertain that the case was one which had become removable due to the question of federal law raised therein.

7. This Notice of Removal is being filed within thirty (30) days of the Division’s receipt of the First Amended Complaint through its counsel, the undersigned.

8. To the Division’s knowledge, no further proceedings have been filed in the Circuit Court of Shelby County, Tennessee at Memphis, and there are no defendants other than the Division.

9. This is a “civil action” within the meaning of the Acts of Congress relating to the removal of causes.

10. No previous application has been made for the relief requested here.

11. Promptly after the filing of this Notice of Removal, a true copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Shelby County, Tennessee. (A copy of the Notification of Filing of Notice of Removal to be filed with the Circuit Court Clerk is attached hereto as Exhibit "B").

12. Additionally, promptly upon filing this Notice of Removal, true copies of this Notice of Removal and of the Division's Notification of Filing of Notice of Removal will be provided to Plaintiff pursuant to 28 U.S.C. §1446(b).

### **FEDERAL QUESTION - JURISDICTION**

13. This is an action for which this Federal Court has original jurisdiction under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441(a) because it raises claims arising under the laws of the United States, specifically, alleged violations of the Americans with Disabilities Amendments Act of 2008. Pursuant to 28 U.S.C. § 1367(a), this court has supplemental jurisdiction over the Plaintiff's claim alleging violations of the Tennessee Human Rights Act, T.C.A. Sections 4-21-101 et seq., such claim being so related to the claims over which this court has original jurisdiction that they form part of the same case or controversy.

14. This action is properly removable to this Federal Court pursuant to 28 U.S.C. § 1441, the Defendant having satisfied the procedural requirements for removal and this Court having original jurisdiction over this action pursuant to 28 U.S.C. § 1331.

### **ASSERTION AND RESERVATION OF DEFENSES**

15. Nothing in this Notice of Removal is or shall be interpreted as a waiver or relinquishment of any of the Division's rights to assert any defense or affirmative matter, which

rights, defenses and affirmative matters the Division specifically reserves, including but not limited to, the defenses of: (1) lack of jurisdiction over the person; (2) improper venue or for transfer of venue; (3) insufficiency of process; (4) insufficiency of service of process; (5) improper joinder of claims; (6) failure to state a claim; or (7) any other defense available under Tenn. or Fed R. Civ. P. 12, any state or federal statute, or otherwise.

16. The Division reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, the Division respectfully requests that this Court assume jurisdiction over this proceeding, to the exclusion of any further proceedings in Tennessee state court, and issue all necessary orders and process in order to effect the same.

Respectfully Submitted,

**Glankler Brown, PLLC**

/s/ Saul C. Belz  
Saul C. Belz (TN Bar #04346)  
Michael D. Tauer (TN Bar #25092)  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document has been served via U.S. Mail, postage prepaid on William B. Ryan, attorney for Plaintiff, 1545 Union Avenue, Memphis, TN 38104, on this the 5th day of March, 2014.

/s/ Saul C. Belz\_\_\_\_\_

4833-9544-4761, v. 1